

## PROVO ELECTORS TO DETERMINE

Supreme Court Says They Must Vote on Granting the Street to Railroad Uses.

Provo city council must submit to its electors the question of whether it shall grant a street for a depot site, and thus Jesse Knight has scored a victory in his contention with that body.

The supreme court, in an opinion written by D. N. Straup, chief justice, and concurred in by the other justices, yesterday reversed the judgment of Judge T. D. Lewis, acting for Judge John E. Booth of the Fourth judicial district, in which Judge Lewis sustained a demurrer of the city council of Provo to a complaint filed by Jesse Knight. In this complaint Mr. Knight asked that the council be enjoined from granting the exclusive right to occupy a street for depot purposes to the Denver & Rio Grande without submitting the same to the citizens for a vote. Judge Lewis sustained the demurrer, and when Knight declined to amend the complaint, with directions that it be reinstated.

The opinion quotes section 213 of the compiled laws of 1907, providing that city councils or trustees of incorporated towns may encourage any railroad company by granting real property of such city or town for purposes set forth. The demurrer was sustained on the assumption that the council had no right to include streets. The court says as follows:

"We think that this is true so far as the objection pertains to a mere street in the city when the fee of the land occupied by the street or upon which a public highway exists is not in the city or town, and it otherwise has no right, title or interest in or to the land itself apart from the public way upon it. But it is, in effect, alleged in the complaint that the city is the owner in fee of the land described in the complaint and occupied by the street, which land the council will, unless restrained, grant to the railway company to be exclusively used and occupied by it for depot and other railroad purposes for a period of 100 years.

"For the purposes of the demurrer the truth of these facts is admitted. Such an ownership of or interest in property as alleged undoubtedly is real property. While it is not averred that the council will grant the fee of the land, nor will the city's interest therein cease, still the granting to the railway company, as is alleged, the right to exclusively occupy and use the land for the period of 100 years is the granting of an interest in, and the land itself, containing real property. Upon the facts as alleged we think the grant cannot lawfully be made without submitting the question of making it to the qualified electors, as provided in section 213."

### ONE JUROR LACKING.

San Francisco, April 9.—Eleven jurors have been sworn to try the case of Patrick Calhoun, who is charged with offering a bribe to secure the franchise for an overhead trolley in this city. A twelfth juror, temporarily accepted by both sides, is to undergo further examination on Monday, to which time the trial was continued, as it was evident from today's proceedings that the completion of the jury may be accomplished at any hour after resumption of the trial next week.

## SICK HEADACHE COMES FROM INDIGESTION

Where there's a will there's a way. Sick headaches are caused by indigestion and a general disturbed condition of the stomach.

Cure the indigestion, and the headache, nausea, heartburn, sour stomach, and that "all in" feeling will vanish. Mi-o-na tablets will cure indigestion or any other stomach trouble. They will relieve almost instantly. F. C. Schramm has so much faith in them that he will give you your money back if they don't.

Mi-o-na cures by making the stomach strong enough to produce enough gastric juices to digest all the food you want to eat. It promptly puts new life and energy into the overworked and played-out walls of the stomach.

Use Mi-o-na for a week, and you can eat what you want any time you want it, and take pleasure in doing it.

Your blood will be richer, redder, purer after taking Mi-o-na. Fifty cents a large box.

Read what two Michigan people, once dyspeptic sufferers, say of Mi-o-na: "I was speedily cured of stomach complaint by Mi-o-na. Anything I can say in favor of Mi-o-na is not too strong."—William Hess, Benton Harbor, Mich.

"I had been subject to severe attacks of indigestion. Nothing gave me any relief until I tried Mi-o-na. Mi-o-na relieved and cured. Mi-o-na is the kind of remedy I like to praise and endorse."—Mrs. B. Maxham, Benton Harbor, Mich.

Mi-o-na sold in every town in America. Booth's Laxative Pills give joy to constipated people. 25 cents at F. C. Schramm's.

## Smart Suits for Young Men for Easter

We've Young Men's Ideal Suits. Suits that are Dashing and Distinctive.

These Suits have a swinging grace of form, with "Young Man" written all over their fashioning.

The long, soft rolling lapels—the graceful form fitting cut of the coat—the sleeves with cuff effect—the lower cut of the vest with pocket flaps, and the ease and grace of the Trousers—with or without cuffs—are a few of the principal features of the New Spring cut.

There are many other style-kinks worked into these Suits by excellent and skillful Tailoring.

The fabrics are entirely new and rather striking in effect. Our prices are moderate—they are always so.

**\$15, \$20, \$25 to \$40**

**Rowe & Kelly Co.**

## COLLIERS SUE INSANE MAN

Publishers Want \$50,000 Damages for Alleged Maliciousness From a Demented Cook.

Seattle, Wash., April 9.—A. E. Fowler of Seattle, secretary of the Asiatic Exclusion league, and the man who is circulating 10,000,000 diminutive stickers all over the United States bearing the words, "Fire the Jap," has been served with a summons by the United States district court to appear within twenty days and show cause why he should not pay to P. F. Collier & Son of New York, publishers of Collier's Weekly, the sum of \$50,000 for malicious libel.

Fowler issued a circular charging that Collier's Weekly had been used to poison the public mind regarding the Japanese situation, and submitted all articles relating to Japan to a Japanese sub-editor.

## AN OFFICE-HOLDING CLASS

Government Employees in Washington Appointed to States Which They Never Even Visited.

Washington, April 9.—The records of the civil service commission and of several departments in Washington disclose the assignment of a vast number of government employees to various states in which as a matter of fact they never resided, said Senator LaFollette today. He is chairman of the committee on the census which has reported an amendment to the census bill requiring applicants for positions within the general classified service of the government to take their examinations in the states to which they are accredited as legal residents.

"It was to correct this abuse of the civil service law which requires an appointment of employees of the civil service among the several states and territories that this amendment was adopted," said the senator. "Many people come to Washington, live here for twenty-five or thirty years, and their children claim the former residence of the father, although they may never have been in the state, for the purpose of appointment. This is not in accordance with the spirit of the civil service law, and either the section requiring appointment should be repealed or the appointment should be made on a basis of actual residence."

### LOST MAN FOUND.

St. Louis, Mo., April 9.—Charles P. McCann of Los Angeles, who is being sought by his mother, Mrs. Mary Stempel of Los Angeles, was found here today living in a stable under the name of McCiver. He rented the stable, he said, to be near a horse which he owns. McCann refused to discuss his doings since he left Los Angeles.

## ELECTRICAL MEN WOULD TAKE SHOT AT GOMPERS

Salt Lake Federation of Labor Will Investigate Charge Against Two Local Theatres.

According to a letter read before the Salt Lake Federation of Labor, James M. Lynch of the International Typographical union, the Bungalow and Colonial theatres of this city are giving their printing business to an "unfair" house in Kansas City, which, it is claimed, employs non-union men. The letter asks that the local Federation of Labor lay this matter before the management of these two theatres and see if some means of adjustment cannot be brought about. A committee from the local federation will call on the manager of the two theatres and will report the result of their visit at the next regular meeting of the federation.

After the routine business of the federation had been transacted, the delegates present took up the discussion of the alleged grievance of the International Brotherhood of Electrical Workers, who are at the present time at odds with the heads of the American Federation of Labor. It appears that there are two factions existing in the ranks of the electrical workers and each has elected a staff of international officers. Samuel A. Gompers, president of the American Federation of Labor, has issued an order saying that F. J. McNulty is grand president and that P. W. Collins is grand secretary of the electrical workers, while the local unions hold that J. J. Reid is president and J. W. Murphy is secretary of their international union. For several months the fight has been going on, until now the delegates are at a loss to know the next move.

The delegates to the federation from the local electrical workers' union want the central body to go on record as being against the action taken by Mr. Gompers in this matter, on the ground that he acted without authority. The delegates generally do not want to have anything to do with the affair and seem willing to let the matter rest where it stands. Meanwhile the electrical workers have for their national officers men whom they did not elect and whom they declare they will not have, even though Mr. Gompers says they are in authority. The matter has been brought up at many of the federation meetings, but has always ended in no action being taken one way or the other. The I. B. E. W. may withdraw from the American Federation of Labor entirely and become an independent organization.

### FUNERAL OF MODJESKA.

Los Angeles, Cal., April 9.—Most of the details of the arrangements for the funeral for Mme. Helena Modjeska were completed today. The body will be taken on Sunday afternoon to the Knights of Columbus home. Here, guarded by committees from the Newman club, Knights of Columbus and the Polish society, it will lie in state until Monday, April 12. At 8:30 Monday morning the funeral cortege will leave the home from St. Vibiana's cathedral, where a solemn high mass will be held at 9:30, and the funeral oration pronounced by Bishop Thomas J. Conaty of the Roman Catholic church.

The body will then be removed to the vault and chapel of Calvary cemetery, where it will remain until arrangements can be completed for taking it to Poland for burial.

Count Bozenta, Mme. Modjeska's husband, will make his future home in Poland. Ralph Modjeska and his family will also accompany the body of his mother abroad. It is asserted positively that no conditions exist in Poland at the present which would prevent removal and burial there of the remains of Mme. Modjeska.

Thomas Edward McHugh.

Chicago, April 9.—Thomas Edward McHugh, famous as a steeplechase rider, died at his home here today.

### Saltair tonight, train at 8.

### BRIGHAM CITY HAPPENINGS.

Brigham, April 8.—Last night a young man from Montana came into the city in a drunken condition and demanded a bed. He was refused, but nevertheless went to bed without paying for the room. He was arrested and brought into Judge Bowring's court today and fined \$5.

A big time is being arranged for April 10 in this city. The business houses will close and all citizens are asked to turn out and fix up in good condition. The schools are taking the lead in the matter and the citizens have decided to assist.

William Jensen, who recently brought suit against the Academy of Music and Dancing to recover a certain amount, was assigned Wednesday to Theodore Schroeder, and Jensen's judgment was satisfied. In all his claim amounted to \$500.

The following real estate transfers were made this week:

S. J. Cole and wife to A. R. Fuller, part 2-2, consideration, \$1,500.  
W. R. Metcalf and wife to Nels J. Nelson, part lots 2-17, C. \$1.  
W. W. Bronson and wife to George Craghead, lots 6 and 7, plat A: \$2,050.  
Lawrence Mortensen and wife to J. F. Merrell, part 2-10-2, \$1,000.  
Norman Lee and wife to C. F. Rohwer, lot 4, block 73, plat B: \$1.  
Annie J. Jeppson to Hans J. Jeppson, lots 1 and 2, block 2, plat B: \$1.  
John Adams et al. to Athen Martin-dale, 3-14-9: \$1,500.  
Carl Madsen to Alena M. Jensen, 27-9-1: \$20.

Mr. and Mrs. Mac Robinette lost their 7-weeks-old baby this week from pneumonia.

Mr. and Mrs. Charles Rohwer lost their baby, 2 weeks old.

Harry Brown and Willie Reynolds, who pleaded guilty to an attempt to burglarize Morgan & Son's store at Collinston, were sentenced by Judge Maughan to one year in the penitentiary.

Governor Spry has named William H. Rowe of Corvallis director general of the Utah exhibit at the Alaska-Yukon exposition. Mr. Rowe is well qualified to fill the position.

Lorenza N. Stahl of this city has again been chosen president of the board of directors of the Agricultural college. This is the second time he has been chosen to fill this position, and he has made a good record.

Work has commenced on the foundation of the large business block being erected by Joseph F. Hansen on Main street.

The frame building now occupied by the Peters Jewelry company is to be removed, and James Knudson, owner of the property, will commence the erection of a fine brick building at once to take its place. The new building will be occupied by the same company.

Saltair tonight, train at 8.

### RUBY MOST VALUABLE OF ALL.

(New York Times.)

Most precious of all gems in the world is the ruby—not the diamond; and of rubies the most valuable are the rare pigeon blood rubies, a sort of red-purple that sparkles and glitters in a truly marvelous fashion.

The ancients treasured rubies far above diamonds, as is shown in the references to this jewel in the Bible. Of it Philostratus, an ancient Greek author, tells us that the first ruby was presented to mankind by a stork. These birds are related by the ancients to always place a ruby in their nests as a charm against serpents. Acolan, in his

# Davis

## MONEY-BACK-SHOES

### Tremendous clean-up of broken lines

### Accumulated from the tremendous selling which has marked our great Dissolution sale

There are hundreds of pairs of new, stylish shoes and oxfords in odd lines, which we must immediately dispose of.

There'll be no mercy shown here — every pair to go, and go quickly.

See the tables in the basement. Aside from the two great offers quoted here there'll be others, just as important.

**\$1.45** For women—Kid shoes, patent leather shoes, tan pumps, Gibson ties, French heel oxfords, patent colt three-eyelot welt oxfords, and so on. All splendid values, at up to \$5.00 the pair. Such a splendid assortment that your size is surely here in some excellent value. Choose at only \$1.45.

**\$2.45** For men; for women—A splendid assortment of patents, vicis and box calf leathers, all in Goodyear welts; splendid spring styles, and all remarkable values. The women's line at this price includes almost every new spring creation, but all in broken lots. So great is the assortment, however, that you'll surely find just what you want in the size you wear.

**"Hurry a little and save a lot"**

238-240 Main St.

ancient Greek treatise on animals, relates the same story of the stork and the ruby.

There are two sorts of recognized rubies—the Oriental, or true ruby, and the spinel ruby. The former is the red variety of that scarce mineral corundum. The spinel ruby is composed of aluminate of magnesia.

Rubies vary from a pallid rose red and deep red to cochineal, and finally pass into the class of the purple-red or pigeon's blood. The greatest of the real rubies have come from Burma and from India, and have been found in only very restricted sections of these spinel rubies have been found in Europe and the United States, and several fine stones have been obtained from South America.

But rubies such as the diamond mines of South Africa have never been located, and the real rubies are found few and far between. The stones were considered to have the magic power of turning pale when brought near poison, and ancient monarchs and tyrants prized them for this supposed virtue.

The most historic ruby is probably that in the center of the great diamond cross in the state crown of King Edward VII of England. It was given to Edward the Black Prince by the cruel Dom Pedro of Castile, when the

British prince took an army into the peninsula to regain the other's kingdom for him.

Why not spend Arbor day at Toelee?

### HOW A SMART BOY GOT A JOB.

Walter Ward Biller tells the following story of a hardware store in St. Louis, which advertised for an errand boy. As it happened, the boss was talking to a customer when a boy came in. Thinking he wanted to buy something, he excused himself, and going over to the boy asked him what he could do for him. The boy told him that he came in answer to his advertisement, and asked for the job.

Well, of course, the boss got mad by being disturbed while he was talking to a customer. He said to the boy: "You go outside and walk a block. If I call you back, why, I will hire you; if I don't, why, you just keep right on walking."

The boy did as he was told, but, going out, he picked up a shovel that was standing near the door, put it on his back and started down the street.

Before he had gone ten feet away the old man was after him, yelling: "Come back! Come back!"

The boy came back, took off his coat, and asked where he wanted him to

work—downstairs or upstairs or where. The man took one good look at him and said: "I guess I'll hire you. Never mind putting your coat on. Start right in."

### A NAUTICAL PUN.

(Judge.) Dr. Charles F. Aked recently gave the young women of his congregation some excellent advice about matrimonial extravagance.

"Compared with the English girl, the American girl is a great spendthrift. Shortly after the return of the fleet two naval officers were talking about their wives. Naturally they used nautical terms.

"What a dear little craft you wife is," said the first.

"Dear and little," did you say? She is dear, all right, but there is nothing little about her. Why, she is the biggest revenue cutter I have ever seen."

### IDENTITY ESTABLISHED.

(Trib-Bits.) A young student showing the museum an Oxford to a party, produced a rusty sword which he assured them was the identical sword with which Balaam was about to kill his ass.

One of the party observed that he thought Balaam had no sword, but only wished for one.

"You are right," said the student, "and this is the very sword he wished for!"

Tonight, 8 o'clock, all aboard, Saltair.

## H. S. DAYNES MUSIC CO.

THE HOUSE OF QUALITY  
Dealers in Standard

## PIANOS ORGANS

USED INSTRUMENTS AT REDUCED PRICES.

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Opposite Temple Block South  
17 West South Temple.

SALT LAKE THEATRE George D. Pyper Manager

S. S. & Lee Shubert, Inc., present

Madame

## NAZIMOVA

In her performances in English

Matinee Today.

Tonight Last Time.

## Comtesse Coquette

Prices: 50c, 75c, \$1, \$1.50, \$2.

NEXT ATTRACTION

Monday, Tuesday and Wednesday

Ben Greet and Russian Symphony Orchestra, presenting—Monday and Tuesday evenings and Wednesday afternoon, Shakespeare's "A Midsummer Night's Dream," with Mendelssohn's music. Wednesday evening, "The Tempest," music by Sir Arthur Sullivan and Techniconsky.

Prices: 50c to \$2. Sale now on.

BOTH PHONES 3569

## Opheum

## THEATRE

## ADVANCED VAUDEVILLE

"At the Sound of the Gong."

Intro Fox.

Tony Wilson and Mlle. Heloise.

Will Rogers, Jr. and Mrs. Harry Clarke.

Suraxall & Razall. Amorous Sisters.

The Kinodrome. Orpheum orchestra.

Matinee, 15c, 25c, 50c; box seat, \$1.00.

Evening, 25c, 50c, 75c; box seat, \$1.00.

## Grand Theatre

## TONIGHT AND ALL WEEK

The comedy drama,

## A Runaway Tramp

High class vaudeville specialties by the clever children, Inez, Ody and Helen, and the Clayton musical family.

Regular prices. Curtain at 8:30.

Matinee Wednesday and Saturday.

## COLONIAL THEATRE

Matinee Today

LAST TIME TONIGHT.

Arthur Cunningham in

## The Kerry Gow

Complete production; excellent cast.

Prices—\$1, 75c, 50c and 25c. Matinee, 50c and 25c.

Next Week—Arthur Cunningham

in "Shaun Rhue."

## BUNGALOW

TONIGHT

Lewis & Lake Musical Comedy Co.

35—People—35. Mostly Girls

Presenting

## THE \$10,000 BEAUTY SHOW

Prices—25c, 50c, 75c. Matinee, 25c.

50c. Matinee Monday, Tuesday, Wednesday and Saturday.

Next Week—Willard Mack, Mary Hall and Associate Players in "La Tosca."

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If It Happens It's in The Herald



A new store filled with new stock. "Small profits" is our slogan.

### If You Want to Be Well Dressed for Easter

in Stylish Clothes at Small Expense, Go to

## Frank's New Store

To give you an idea of how well Salt Lakeers like our clothes and our prices, we need only to tell you that the new stock we had in our store at the opening a month ago was practically sold out in three weeks' time. Hundreds of suits were sold at prices that make friends.

To replenish our stock for Easter we wired to New York and had a big shipment of suits sent on by express. They are here—hundreds of them—in the very newest and most attractive styles and patterns. No better styles can be had at any price.

### Our Prices Bring the Business

We are not on Main street—no high rent. We buy for five stores and get every possible discount. This enables us to save you from \$3 to \$10 on a suit. Be sure and get our prices.

### Easter Combination Special

Today

To increase our acquaintances and bring you to our store, we are making a very unusual Easter offer.

An \$18 Suit and a \$3.50 pair

of shoes for

**\$12.50**

Stylish Men's Suits, \$7.50 to \$25.00



JUST EAST OF MAIN ON 1ST SOUTH ST.

### Easter Furnishings

\$2.50 and \$3.00 Hats \$1.75.

All styles, soft or stiff shapes.